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09/863,352	05/24/2001	Masaru Sugano	010661	1126

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON, DC 20036

EXAMINER
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LAM, WAI YIP

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/863,352

**Applicant(s)**

SUGANO ET AL.

**Examiner**

Wai Lam

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 1-3,6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

Claims 1 and 3 are objected to because of the following informalities.

As to claim 1, The limitation ... "and this description scheme includes " ..... wherein "this description" should be changed to "this description scheme" in order to clarify that "this description scheme" is referring to its antecedent.

As to claim 2, The limitation ... "the information" should be changed to just "information".

As to claim 3, The limitation ... "and the segment is an separate file" ..., should be changed to ... "and the segment is a separate file" ... in order to make the claim grammatically correct.

As to claim 6, the limitation ... "the temporal segment" should be changed to "a temporal segment".

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1- 9 are rejected under 35 U.S.C. 101 because the claims have no statutory class. The claims have no utility, nor do they produce any concrete, tangible, or useful results. Claims 1 – 9 merely recite a data structure or description of data.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 - 9 recite the limitation "the original audio/video content". There is insufficient antecedent basis for this limitation in the claim.

To overcome this rejection, change "the original audio/video content" to "single or multiple compressed or uncompressed audio/video content(s)". For the purpose of this rejection, "single or multiple compressed or uncompressed audio/video content(s)" is used in place of "the original audio/video content".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 – 2, 5 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 6,236,395 (Sezan et al.).

As to claim 1, Sezan et al. teaches a description scheme (Program description scheme 18 in Figure 1) of summary data of audio and/or visual data (Column 4, lines 40 – 45, 58 – 59).

Sezan et al. also teaches a description scheme (Program description scheme 18 in Figure 1) wherein an audio/visual slide (Figures 9 represent the KeyFrame view slide for each program view) is composed of multiple important portions (Column 4, lines 3 – 4) of its content, relating to single or multiple compressed or uncompressed audio/video content(s) (program 38 in Figure 2). Keyframe view of Figure 9 contains a left hand column that contains representative frames that are representative of different programs (Hereinafter representative program frames). Within each representative program frame, the lower portion of Figure 9 contains frames representing different key portions of the particular selected program (Column 14, lines 28 – 34, hereinafter Key Frames). Therefore, the KeyFrame view reads on the limitation, being composed of multiple important portions (Key Frames) of its content, relating to multiple compressed or uncompressed audio/video contents (Representative program frames). Note that Highlight view in Figure 10 and Event View in Figure 11 also read onto the present claim.

Sezan et al. also teaches slide components (Representative program frames and Key Frames) of the audio/video slide are described sequentially. Representative program frames (Left hand portion of Figure 9) and Key Frames for a particular program (lower portion of Figure 9) are displayed one after another, or sequentially in their respective confined sections.

Sezan et al. also teaches this description scheme (Program description scheme 18 in Figure 1) includes a description about a link between the single compressed or uncompressed audio/video content (program 38 in Figure 2) and the slide components (Key Frames and Representative program frames) (Column 16, lines 5 – 22). <KeyFramesView> specifies key frame start and end ids in a program described as the lower portion of Figure 9, therefore, there is a direct link between the single compressed or uncompressed audio/video content(s) (program 38 in Figure 2) and the slide components (Key Frames). Also, each representative program frame representing a particular program has a program, program id, program name, and a source location (Column 15, lines 20 – 34), therefore, each representative program frame that makes up the slide components of the left hand portion of Figure 9 has a description about a link to multiple compressed or uncompressed audio/video contents.

As to claim 2, Sezan et al. teaches a description scheme of summary data (program description scheme 18 in Figure 1) wherein the slide components (Key Frames) of the audio/video are multiple segments included in the single

compressed or uncompressed audio/video content as discussed in the rejection of claim 1.

Sezan et al. also teaches information (Video clips) about the segments are described sequentially. Each video clip associated with each key frame are defined by the descriptor <clip> (Column 16, 18 – 20). The clips are defined sequentially in the program description scheme description on Column 16 in the KeyFrame view section.

As to claim 5, see rejection of claim 1 and note that Sezan et al. also teaches a description scheme of summary data (program description scheme 18 in Figure 1) wherein if there are multiple compressed or uncompressed audio/video contents (Programs 38 in Figure 2), the description about the link between the compressed or uncompressed audio/video contents (Programs 38 in Figure 2) and the slide components (Key Frames, Lower portion of Figure 9) is the description about the identifier (Frame start and end ids in Column 16, lines 1 – 5) of the compressed or uncompressed audio/video contents (Programs 38 in Figure 2) to which the slide components belong.

As to claim 6, see rejection of claim 1 and note that Sezan et al. also teaches a description scheme of summary data (program description scheme 18 in Figure 1) wherein if there is a single compressed or uncompressed audio/video content (Program 38 in Figure 2), the description (KeyFrame view description in Figure 9) about the link between the compressed or uncompressed audio/video content (Program 38 in Figure 2) and the slide components

(KeyFrames, lower portion of Figure 9) is the description about a temporal segment (Each key frame in the lower portion of Figure 9) in the compressed or uncompressed audio/video content (Program 38 in Figure 2) of the slide components (KeyFrames, lower portion of Figure 9) (Column 14, lines 32 – 34, Column 16, lines 1 – 20).

As to claim 7, Sezan et al. also teaches a browsing method using the summary data of audio/visual (Column 4, lines 58 – 59) described in the description scheme of claim 1, wherein it is possible to transfer from playback of the audio/video slide to playback of the single or multiple compressed or uncompressed audio/video content relating to the slide components of the audio/video slide, and it is possible to transfer reversely from playback of single or multiple compressed or uncompressed audio/video content to playback of the slide (Column 12, lines 10 – 16).

As to claim 8, see rejection of claim 1 and note that Sezan et al. also teaches a browsing method using the summary data of audio/video (Column 4, lines 58 – 59) described in the description scheme of claim 1, wherein it is possible to display the attribute data described about the corresponding single compressed or uncompressed content (Programs 38 in Figure 2) by using the description of the audio/video slide components (Key Frames) during playback of the audio/video slides. Each Key Frame (lower portion of Figure 9) contains clip information (start and end frame id descriptions) that are video segments



(attributes) of the single compressed or uncompressed content (Column 14, 32 – 34, Column 16, lines 19 – 22).

As to claim 9, see rejection of claim 1 and note that Sezan et al. also teaches the audio/video slide component (Key Frames, lower portion of Figure 9) contains description <Clip> that specifies the start and end frame id's of a segment of the original program (Column 16, lines 16 – 21). A user can select to play back the desired segment by searching data indicating the frames that are presented in the program description scheme (Column 9, line 67, Column 10, line 1). Therefore, corresponding single compressed or uncompressed audio/video content is played by using the description data (<Clip> data) of the audio/video slide components (Key Frames) during playback of the audio/video slide (Key Frame View, Figure 9).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S.

Patent No. 6,236,395 (Sezan et al.) in view of U.S. Patent No. 5,930,493 (Ottesen et al.).

As to claim 3, see rejection of claim 1 and note that Sezan et al. also teaches a description scheme of summary data (program description scheme 18 in Figure 1) wherein the slide components (Key Frames) of the audio/video are multiple segments included in the multiple compressed or uncompressed audio/video content(s) (Column 9, 45 – 52).

Sezan et al. also teaches that the segment is in a separate file (Column 10, 4 – 5). Sezan et al. states that summarized information may be recorded onto a storage device, therefore, each summary from Column 9, lines 45 – 52 can be recorded individually. Since each summary is recorded individually, each recorded summary is a separate file. Sezan et al. also teaches the stored information includes an index code so that it can be located at a later time (Column 10, lines 6 – 7).

Sezan et al. fails to explicitly teach a set of files is described sequentially.

However, Ottesen et al. teaches that an indexed sequential series of compressed video segments are stored on a mass storage device. This reads on the present claim limitation of a set of files (video segments) are described (indexed) sequentially.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the indexing and storing method of Sezan et al., using the storage and indexing method of Ottesen et al., for the purpose of providing an efficient means for organizing the video segments in a customized manner (Column 10, lines 7 – 8).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,236,395 (Sezan et al.) in view of European Patent Application No. 99301761.5 (Published 09/15/1999, Kitamura).

As to claim 4, see rejection of claim 1 and note that Sezan et al. also teaches wherein the slide components (Key Frames in lower portion of Figure 9) of the audio/video are multiple segments (Key Frames) included in the single compressed or uncompressed audio/video content (particular program, Column 16, lines 34).

Sezan et al. fails to explicitly teach a set of segments is integrated as one composite file, and the individual segments of the composite file are described sequentially.

However, Kitamura teaches that two video stream (DA and DB, as illustrated in Figure 8A and Figure 8B, respectively) are integrated (Spliced) as one composite file (Composite video data, illustrated as DAB in Figure 8D) (Column 12, lines 5 – 11). Kitamura further teaches that the individual segments (DA and DB in Figure 8A and 8B, respectively) of the composite file (DAB in Figure 8D) are described sequentially (Figure 8C). This reads on the claim limitation Sezan et al. fails to teach.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the display and arrangement of video segments of Sezan et al., using the segment arrangement and segment

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processing method of Kitamura, for the purpose of preventing a discontinuity in the output data (video segments, Column 5, lines 44 - 48), therefore letting the user playback continuous summary data without the steps of selecting which summary data to watch.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,148,140 (Okada et al.) discloses a method for combining video data into one stream. U.S. Patent No. 6,226,447 (Sasaki et al.) discloses a method for saving video data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wai Lam whose telephone number is (571) 272-2827. The examiner can normally be reached on Monday - Friday 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jason Salce  
Art Unit 2614

*Jason Salce*  
9-29-05